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Harri Okkonen

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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

EXAMINER

CHOW, CHIH CHING

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/807,694	Applicant(s) OKKONEN ET AL.	
	Examiner CHIH-CHING CHOW	Art Unit 2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to amendment dated August 19, 2008.
2. Per Applicants' request, no claim has been amended.
3. Claims 1-39 remain pending.

Response to Arguments

4. Applicants' argument filed on 8/19/2008, responding to the 5/12/2008 Office action provided in the 35 USC § 112 rejections for claims 1-39. The examiner is confirmed that the 'database' is actually meant to be the 'update agent table resident in non-volatile memory' based on the Applicants' REMARKS dated 8/19/2008 pp. 10-13., therefore the rejection to the 35 USC § 112 rejections for claims 1-39 are hereby withdrawn in view of Applicants' argument.
5. Applicants' arguments for 35 USC § 103 rejections for Claims 1-39 have been fully considered respectfully by the examiner but they are not persuasive.
6. Applicants' arguments are basically in the following points:
 - 'For example, the cited portion of Meyerson does not teach, suggest, or otherwise render obvious, "wherein the update agent employed is selected to correspond to a type of update information received by the electronic device from the at least one of the plurality of servers." The cited portion of Meyerson does not teach selection of an update agent. For example, Meyerson states, "In one implementation of the invention, the intelligent update agent is designed specifically for and may be incorporated into particular software." To the extent such an agent may be argued to 'correspond to' specific software, such an agent would not be "selected to correspond to a type of update information received," particularly where it is incorporated as part of the software".... Meyerson teaches that its update

agent "sends a software update query comprising a request for software update information." This is quite different from the presently claimed subject matter wherein the update is "selected to correspond to a type of update information received by the electronic device from the at least one of the plurality of servers." Put another way, the update agent of Meyerson requests update information. In contrast, the presently claimed update agent is selected to correspond to a type of update information received by the electronic device from a server. The update agent of Meyerson could not be 'selected' to 'correspond to a type of update information received' because it is the update agent of Meyerson that sends the request for update information in the first place: "...the intelligent update agent sends a software update query comprising a request for software update information." (see REMARKS dated August 19, 2008, page 15).

Examiner's Response: Meyerson's teaching also implies distributing specific software updates through a corresponding agent; regardless the query part, Meyerson's teaching covers the feature that is recited in the current invention. Meyerson's teaching is for effective installations, a specific agent delivers specific software update to the designated location, see Meyerson's column 4, lines 15-22; "the intelligent update agent is designed specifically for and may be incorporated into particular software. The agent will then include the address of a particular location maintained by the software publisher that corresponds to the software. In this type of implementation, the software update query contains very little information. The software publisher knows that all queries arriving at a particular location are requests for software update information corresponding

Art Unit: 2191

to that location.” further see column 4, lines 23-25, “In a more general implementation of the invention, the update agent may be designed by a particular software publisher to handle all of that publisher's software.”. – the agent doesn't request update information, the agent has all the update information, it sends out update information to its designated locations.

- ‘Applicant respectfully submits that the Office Action does not provide the required basis in fact and/or technical reasoning to reasonably support that the "database" limitation necessarily flows from the cited teachings of Lee. For example, the Office Action simply states that "a database must exist in Lee's teaching since Lee's teaching mentioned 'updating a plurality of software components', therefore it's assumed and inherent a database exists in the device to store the software components that is about to be updated." (See Office Action at p. 7). Applicant respectfully submits that inherency cannot be satisfied by "assuming" a limitation is present in the prior art. Applicants further respectfully submit that the Office Action assertion that Lee teaches a plurality of software components does not provide the required basis in fact and/or technical reasoning, and that the Office Action has not satisfied its burden to establish inherency. ’ (see REMARKS dated August 19, 2008, page 18);

Examiner's Response: Lee's teaching includes a database, see Lee's Abstract, “The method includes ascertaining from a database first update parameters associated with a first networked device of the plurality of networked devices.” Further see Lee's paragraph [0002], “In a small business, for example, there is ideally a binder or a database tracking information pertaining to all the networked devices and the various hardware and software components installed thereon.”

8. The examiner is maintaining the 35 USC § 103 rejections herein below.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-4, 6, 7, 10-19, 21, 22, 25-39 are rejected under 35 U.S.C. 103(a) as being obvious over US 2004/0031029 by Lee et al., hereinafter “Lee”, in view of prior art of record, US Patent No. 6,976,251, by **Meyerson**, hereinafter “Meyerson”.

CLAIM

1. An electronic device network, the network comprising:
a plurality of servers; and
a plurality of electronic devices communicatively coupled to at least one of the plurality of servers, each of the electronic devices being adapted to employ at least one of a plurality of update agents resident in the electronic device, wherein the update agent employed is selected to correspond to a type of update information received by the electronic device from the at least one of the plurality of servers, wherein the selected update agent processes the received update information to modify a first version of one of software and firmware in the electronic device to a second version, and wherein the

Lee / Meyerson

Lee teaches a method for updating software on a plurality of networked devices. See Lee’s paragraph 0009, “updating a plurality of software components disposed on a **plurality of networked devices**, the plurality of networked devices being interconnected if a computer network...the method further includes obtaining, using the **first local update agent** and the **first update parameters**, a **first update file for updating software in the first networked device**. Additionally, the method includes updating, using the first local update agent and the first update file, **the software in the first networked device**.” And paragraph 0032, “Administrative console 104 is coupled via the network to **a plurality of networked devices such as servers**

electronic device is also adapted to provision the plurality of update agents with parameters and data used to facilitate update operations in the electronic device; and

106, 108, and 110.” Lee teaches all aspects of claim 1, but he does not mention ‘update agent is selected to correspond to a type of update information’ specifically, however, Meyerson teaches it in an analogous prior art. In Meyerson’s column 4, lines 38-50, “After the software update query is sent, the software update information is downloaded in block 14. In the simplest case, where **the update agent corresponds to a single software program** (*a plurality of update agents resident in the electronic device*), the software update information may simply be a ‘yes’ or ‘no’ telling the agent whether a software update is available and whether a criticality check program is available. In the more general case, however, the software update information will include substantial additional information for multiple software programs. In the preferred implementation of the invention, the software update information will include a field telling the update agent whether a criticality check program is available for each software update.” And Meyerson’s column 4, lines 10-16, “it proceeds to block 12 where the intelligent update agent sends a software update query comprising a request for software update information. The software update query is sent over a computer network, such as the Internet. In one implementation of the invention, the intelligent update agent is designed specifically for and may be incorporated

a database in each of the plurality of electronic devices for accessing the plurality of provisioned update agents in a corresponding electronic device.

into particular software.” For the ‘database’ feature, see Lee’s Abstract “The method includes ascertaining from a database first update parameters associated with a first networked device of the plurality of networked devices.”, therefore Lee’s teaching discloses the database feature.

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to supplement Lee’s disclosure of the updating software for networked devices by using corresponding update agent taught by Meyerson, for the purpose of routing the update request to a corresponding update agent for the specific software and/or hardware configuration of the user’s computer. (Meyerson’s column 2, lines 30-35).

2. The network according to claim 1, wherein the electronic device comprises random access memory and non-volatile memory, wherein the non-volatile memory comprises a plurality of components, the plurality of components comprising at least one of the following: an update application loader, the plurality of update agents, firmware, an operating system (OS), and provisioned data, wherein the provisioned data comprises update agent provisioning information and a number assignment module.

For the feature of claim 1 see claim 1 rejection. For the rest of claim 2 feature see Lee’s paragraph [0001], “These networked devices include, for example, routers, hubs, servers, workstations, desktop computers, laptop computers, printers, storage devices, printers and/or other output devices, and the like (*all are electronic devices*). As is well known, each of the networked devices may include many different hardware components each of which may be furnished with software (such as system software, application software, firmware, driver, or the like)”

3. The network according to claim 1, wherein the network comprises at least one of an update server, and a plurality of generators, wherein the generators are adapted to generate updates able to be processed by at least one provisioned update agent in the electronic device, and wherein the update server is adapted to store updates accessible by the plurality of servers.

See claim 1 and 2 rejections.

4. The network according to claim 1, wherein the electronic device comprises a provisioned data unit adapted to store information related to an end-user's electronic device subscription, and wherein the provisioned data unit may be programmed during number assignment module programming activity.

For the feature of claim 1 see claim 1 rejection. For the rest of claim 4 feature see claim 1 and Lee's paragraph 00037, "Notification module 308 represents the module for collecting the status information and/or notification messages from the various components of the automatic software update system. The notification messages may be sent to administrator console 302 and/or may be employed to automatically trigger other steps." And description on paragraph 0039 (*programmed number assignment module for programming activity*).

6. The network according to claim 4, wherein the provisioned data unit is adapted to store at least one of update agent related provisioning information, a universal resource locator of a server used to retrieve updates, and a security key used to authenticate server messages.

For the feature of claim 4 see claim 4 rejection. For the rest of claim 6 see Lee's paragraph 0055, "In one embodiment, the update files(s) are stored on a shared storage device coupled to the network and are accessed by their path name(s), which may be received as part of the update parameters. In another embodiment, the update file(s) are **accessed by their URL (Uniform Resource Locator)**,

which may be received as part of the update parameters and downloaded using the HTTP protocol”

7. The network according to claim 4, wherein each of the plurality of update agents has a corresponding entry in the provisioned data unit.

For the feature of claim 4 see claim 4 rejection. For the corresponding entry in the provisioned data unit, see claim 1 rejection.

10. The network according to claim 1 wherein the electronic device is adapted to invoke an update agent based upon an update currently being processed provided that the update agent is provisioned in the electronic device.

See claim 1 rejection.

11. The network according to claim 1, wherein the electronic device may execute an update application loader on reboot, and wherein the update application loader is adapted to invoke a boot initialization code before determining to update the electronic device.

For the feature of claim 1 see claim 1 rejection. For the rest of claim 11 see Lee’s paragraph 0023, “The local update agent then obtains the update file, performs the installation as required **(which may include rebooting the networked device** after installation)”.

12. The network according to claim 1, further comprising update agent provisioning information stored in the electronic device, the update agent provisioning information comprising at least one of the following: a device server URL, an index to the database for accessing the plurality of provisioned update agents, a security key, and electronic device related information, wherein the device server URL provides references to servers hosting updates to be downloaded, and wherein the update

For the feature of claim 1 see claim 1 rejection. For the rest of claim 12, see Lee paragraph 0055, “In one embodiment, the update files(s) are stored on a shared storage device coupled to the network and are accessed by their path name(s), which may be received as part of the update parameters. In another embodiment, the update file(s) are **accessed by their URL (Uniform Resource Locator)**, which may be received as part of the update parameters and downloaded

are compatible with update agents currently available and provisioned in the electronic device.

using the HTTP protocol.” For the ‘database’ feature see claim 1 rejection.

13. The network according to claim 12, wherein the index to the database for accessing the plurality of provisioned update agents provides an index value used to compute an address location of a provisioned update agent, and wherein the index to the database for accessing the plurality of provisioned update agents provides an index to a table containing an address for an update agent in non-volatile memory the electronic device.

For the feature of claim 12 see claim 12 rejection. For the rest of claim 13, see claim 7 rejection. For the ‘database’ feature see claim 1 rejection.

14. The network according to claim 12, wherein the security key is used to authenticate updates during download of updates and during update activity, wherein a separate security key is employed to authenticate updates by a download agent and by the update agent, and wherein the security key is employed for at least one of the following: secure communication, encryption, and decryption of data and messages during communication with external systems.

For the feature of claim 12 see claim 12 rejection. For the rest feature of claim 14 see claim 6 rejection.

15. The network according to claim 1, wherein the database for accessing the plurality of provisioned update agents in the electronic device comprises an update agent table resident in non-volatile memory, the update agent table

For the feature of claim 1 see claim 1 rejection. For the rest feature of claim 15 see claim 7 rejection. For the ‘database’ feature see claim 1 rejection.

containing references to a plurality of update agents currently available and provisioned in the electronic device, the update agent table associating update agent names, update agent address locations, types of updates that the update agents are adapted to process, and provisioning status of the update agents for all available update agents in the electronic device.

16. The network according to claim 1, wherein the electronic device comprises at least one of a plurality of mobile electronic devices, and wherein the plurality of mobile electronic devices comprise at least one of the following: a mobile cellular phone handset, a personal digital assistant, a pager, an MP3 player, and a digital camera.

For the feature of claim 1 see claim 1 rejection. For the rest feature of claim 16 see claim 5 rejection.

17. A method employing a plurality of update agents in an electronic device in an electronic device network, the method comprising:

- communicatively coupling a plurality of electronic devices to at least one of a plurality of servers;

- selecting at least one of a plurality of update agents resident in the electronic device to modify a first version of one of software and firmware in the electronic device to produce an updated version, wherein each of the plurality of update agents is arranged to process a corresponding type of update information received from the at least

Claim 17 is a method version of claim 1, therefore see claim 1 rejection. For the 'database' feature see claim 1 rejection.

one of a plurality of servers; and
provisioning the plurality of update agents with parameters and data used to facilitate update operations in the electronic device, wherein the database for accessing the plurality of provisioned update agents in.

18. The method according to claim 17, comprising generating updates able to be processed by at least one provisioned update agent in the electronic device and storing updates in an update server.

For the feature of claim 17 see claim 17 rejection. For the rest of claim 18 feature see claim 1 and claim 3 rejections.

19. The method according to claim 17, comprising:
storing information related to an end-user's electronic device subscription;
and
programming a provisioned data unit during number assignment module programming activity.

For the feature of claim 17 see claim 17 rejection. For the rest of claim 19 feature see claim 4 rejection.

21. The method according to claim 19, wherein the programming comprises storing update agent related provisioning information, a universal resource locator of a server used to retrieve updates, and a security key used to authenticate server messages.

For the feature of claim 19 see claim 19 rejection. For the rest of claim 21 feature see claim 6 rejection.

22. The method according to claim 19, comprising providing each update agent an entry in a provisioned data unit.

For the feature of claim 19 see claim 19 rejection. For the rest of claim 22 feature see claim 7 rejection.

25. The method according to claim 17, comprising invoking an update agent

For the feature of claim 17 see claim 17 rejection. For the rest of claim 25

based upon an update currently being processed provided that the update agent is provisioned in the electronic device.

feature see claim 10 rejection.

26. The method according to claim 17, comprising executing an update application loader on reboot of the electronic device and invoking a boot initialization code before determining to update the electronic device.

For the feature of claim 17 see claim 17 rejection. For the rest of claim 26 feature see claim 11 rejection.

27. The method according to claim 17, comprising:
storing update agent provisioning information in the electronic device; and
hosting updates to be downloaded with update agents provisioned in the electronic device.

For the feature of claim 17 see claim 17 rejection. For the rest of claim 27 feature see claim 1 rejection.

28. The method according to claim 17, further comprising determining an address location of a provisioned update agent via the database for accessing the plurality of provisioned update agents, wherein determining comprises one of computing and accessing an entry in a table.

For the feature of claim 17 see claim 17 rejection. For the rest feature of claim 28, generating updates provided from plurality of agents (addresses) in particular, see Meyerson's column 4, lines 14-18, "the intelligent update agent is designed specifically for and may be incorporated into particular software. The agent will then include the address of a particular location maintained by the software publisher that corresponds to the software." For the 'database' feature see claim 1 rejection.

29. The method according to claim 17, comprising:
authenticating updates during download of the updates and during update activity, using a security key;

For the feature of claim 17 see claim 17 rejection. For the rest of claim 29 feature see claim 6 rejection.

employing a separate security key to authenticate updates by a download agent and by the at least one of a plurality of update agents; and

employing the security key for at least one of the following: secure communication, encryption, and decryption of data and messages, during communication with external systems.

30. The method according to claim 17, comprising mapping at least one of update agent names, update agent address locations, types of updates that the update agents are adapted to process, and provisioning status of the update agents for all available update agents in the electronic device.

For the feature of claim 17 see claim 17 rejection. For the rest of claim 30 feature see claim 15 rejection.

31. The method according to claim 17, wherein the electronic device comprises at least one of the following: a plurality of mobile electronic devices, and wherein the plurality of mobile electronic devices comprise at least one of a mobile cellular phone handset, a personal digital assistant, a pager, an MP3 player, and a digital camera.

For the feature of claim 17 see claim 17 rejection. For the rest of claim 31 feature see claim 16 rejection.

32. An electronic device operable in an electronic device network, the electronic device comprising:

non-volatile memory comprising a first version of code;

communication circuitry for receiving, from at least one server in the electronic device network, update information having an associated type;

Both Lee and Meyerson's disclosures teach the features of claim 32, see claims 1, 2, and 3 rejections. For the 'database' feature see claim 1 rejection.

code resident in and executable by the electronic device, the code comprising a plurality of provisioned update agents selectable to cause processing of a corresponding type of received update information, to update a related code portion of the first version of code to an updated version, wherein a database in the electronic device enables accessing of the plurality of provisioned update agents;

wherein the processing modifies the related code portion of the first version of code to produce the updated version; and

wherein a provisioned update agent is selected to perform an update based upon the type of the received update information.

33. The electronic device according to claim 32 wherein the communication circuitry comprises a cellular network interface.

For the feature of claim 32 see claim 32 rejection. For the rest of claim 33 feature see claim 5 rejection.

34. The electronic device according to claim 32 wherein the update information comprises an update package.

For the feature of claim 32 see claim 32 rejection. For the rest of claim 34 feature see claim 7 rejection, where update agent is the same as update package.

35. The electronic device according to claim 32 wherein a portion of the non-volatile memory comprises provisioned data received from at least one of the plurality of servers.

For the feature of claim 32 see claim 32 rejection. For the rest of claim 35 feature see claims 1, 2 and 7 rejections.

36. The electronic device according to

For the feature of claim 32 see claim 32

claim 35 wherein the provisioned data comprises at least one entry corresponding to one of the plurality of provisioned update agents.

rejection. For the rest of claim 36 feature see claim 7 rejection, where ‘type of update agent’ is the provisioned data.

37. The electronic device according to claim 35 wherein programming of provisioned data is performed during programming of information related to a wireless service subscription.

For the feature of claim 32 see claim 32 rejection. For the rest of claim 37 feature see claim 5 rejection.

38. The electronic device according to claim 35 wherein provisioned data comprises a universal resource locator of a server on which a corresponding type of update information is stored.

For the feature of claim 35 see claim 35 rejection. For the rest of claim 37 feature see claim 12 rejection.

39. The electronic device according to claim 35 wherein provisioned data comprises security information enabling update of the related code portion.

For the feature of claim 35 see claim 35 rejection. For the rest of claim 37 feature see claims 6 and 28 rejections.

9. Claims 8 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0031029 by Lee et al., hereinafter “Lee”; in view of prior art of record, US 6,976,251, by **Meyerson**, hereinafter “Meyerson”; further in view of US Patent No. 5,708,776 by Dan Kikinis (hereinafter “Kikinis”).

CLAIM

8. The network according to claim 1, wherein one of the plurality of update agents is designated a primary update agent and another of the plurality of update agents is designated as a secondary update agent, and wherein the primary update agent is used to perform updates during one of power up and

Lee/ Meyerson / Kikinis

For the feature of claim 1 see claim 1 rejection. Lee and Meyerson teach all aspects of claim 8, but he does not mention ‘Primary update agent and secondary update agent’ specifically, however, Kikinis teaches it in an analogous prior art. All of their disclosures are for updating agents cross

reboot of the electronic device and the secondary update agent is used to perform updates not requiring electronic device rebooting.

network and reboot of an electronic device. See Kikinis' title, "Automatic recovery for network appliances" in particular, see Kikinis column 1, lines 53-59, "a **primary boot partition** on the mass storage device, comprising primary operating software and primary application software for execution by the CPU in **booting** the network appliance and placing it in operation performing its application; a **secondary boot partition** on the mass storage device, comprising secondary operating software and secondary application software; and an automatic recovery routine on the non-volatile storage device."

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to supplement Lee and Meryerson's disclosures of the updating software for networked devices by using Primary Update/Secondary Update (while there are plurality of update agents) taught by Kikinis, for the purpose of initiating necessary reboot (Kikinis Abstract, line 3).

23. The method according to claim 17, comprising:

- designating a primary update agent and a secondary update agent;

- using the primary update agent to perform updates during one of the following: power up and reboot of the electronic device; and

- using the secondary update agent to perform updates not requiring electronic

For the feature of claim 17 see claim 17 rejection. For the rest of claim 19 feature see claim 8 rejection.

device rebooting.

11. Claims 5, 9, 20, and 24 are rejected under 35 U.S.C. 103(a) as being obvious over US 2004/0031029 by Lee et al., hereinafter “Lee”, in view of prior art of record, US Patent No. 6,976,251, by **Meyerson**, hereinafter “Meyerson”; further in view of US 2003/0065738 by Yang et al., hereinafter “Yang”.

CLAIM

5. The network according to claim 4, wherein the number assignment module programming activity comprises at least one of over-the-air service provisioning (OTASP) activity and over-the-air parameter administration (OTAPA) activity.

Lee/ Meyerson / Yang

Lee teaches all aspects of claim 5, but he does not mention ‘over-the-air service’ specifically, however, Yang teaching is for updating mobile node devices, see Yang’s Abstract “An apparatus, system and method are provided for **OTA downloading**, configuring and updating application programs stored in a memory of mobile communication device.”; and paragraph [0027], “Another aspect of the present invention discloses systems and methods for distributing application-based programs to **mobile devices over-the-air (OTA)** using Hyper Text Transfer Protocol (HTTP) and File Transfer Protocol (FTP).” Also for **over-the-air service** provisioning activity are disclosed in.

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to supplement Lee and Meyerson’s disclosures of the updating software for networked devices by using OTA taught by Yang, for the

9. The network according to claim 1, wherein the electronic device is adapted to display a list of available update agents to an end-user and solicit selection of an update agent to be used to update at least one of software and firmware.

purpose of downloading to mobile device using wireless media (see Yang's paragraph [0051]).

For the feature of claim 1 see claim 1 rejection. Lee and Meyerson teach all aspects of claim 9, but he does not mention 'display a list of available update agents to an end user' specifically, however, Yang teaches it in an analogous prior art. See Yang's paragraph [0041], "Examples of application programs may be programs that manage and display to a mobile user, current weather information, traffic information, stock information, local theater information, restaurant and other entertainment information, or any other information a mobile user may desire (*display a list of available update agents, different agents update different type of information*)".

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to supplement Lee and Meyerson's disclosures of the updating software for networked devices by using display a list of available update agents to an end-user (while there are plurality of update agents) taught by Yang, for the purpose of providing user interactive capability. (Yang's paragraph [0066]).

20. The method according to claim 19, wherein the number assignment module programming activity comprises at least one of the following: over-the-air

For the feature of claim 17 see claim 17 rejection. For the rest of claim 20 feature see claim 5 rejection.

service provisioning
(OTASP) activity and over-the-air
parameter administration (OTAPA)
activity.

24. The method according to claim 17,
[[further]] comprising: displaying a list
of available update agents to an end-
user; and soliciting selection of an
update agent to be used to update at
least one of software and firmware.

For the feature of claim 17 see claim 17
rejection. For the rest of claim 24
feature see claim 9 rejection.

Conclusion

12. The following summarizes the status of the claims:

35 USC § 103 rejection: Claims 1-39

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension
of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire
THREE MONTHS from the mailing date of this action. In the event a first reply is
filed within TWO MONTHS of the mailing date of this final action and the
advisory action is not mailed until after the end of the THREE-MONTH shortened
statutory period, then the shortened statutory period will expire on the date the
advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will
be calculated from the mailing date of the advisory action. In no event, however,
will the statutory period for reply expire later than SIX MONTHS from the mailing
date of this final action.

Any inquiry concerning this communication or earlier communications from
the examiner should be directed to Chih-Ching Chow whose telephone number is
571-272-3693. The examiner can normally be reached on 8:30am - 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature of relating to the status of this application should be directed to the **TC2100 Group receptionist: 571-272-2100**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Chih-Ching Chow/

Examiner, Art Unit 2191

11/13/08

/Ted T. Vo/

Primary Examiner, Art Unit 2191